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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------|------------------|
| 10/759,682   | 01/16/2004  | Tracy E. Thieret     | D/A2179                     | 8583             |
| 7590 09/06/2006  |             |                      |                             |                  |
| Ortiz & Lopez, PLLC<br>P.O. Box 4484<br>Albuquerque, NM 87196-4484 |             |                      | EXAMINER<br>CONTINO, PAUL F |                  |
|  |             |                      | ART UNIT<br>2114            | PAPER NUMBER     |

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                |  |
|------------------------------|-------------------------------|--------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/759,682 | Applicant(s)<br>THIERET ET AL. |  |
|                              | Examiner<br>Paul Contino      | Art Unit<br>2114               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION: Non-Final Rejection**

*Specification*

1. The disclosure is objected to because of the following informalities:

In paragraph [030], the Examiner feels a reference to Fig. 6 is more appropriate.

In paragraph [034], on page 13, in lines 7-8, the statement within the parentheses is interpreted as not being relevant to make or use invention. It is recommended that the statement be removed.

Appropriate correction is required.

*Claim Objections*

2. Claims 1 and 17 are objected to because of the following informalities: Claims 1 and 17 are interpreted as “method” claims (see the respective dependent claims). It is recommended by the Examiner that in Claims 1 and 17 in line 1, “Coordinating troubleshooting information” be amended to read “A method of coordinating troubleshooting information”.

3. Claims 20-24 are objected to because of the following informalities: Claims 20-24 are interpreted as “machine” claims (see independent claim 19). It is recommended by the Examiner that in Claims 20-24 in line 1, “The invention of claim 19” be amended to read “The machine of claim 19”.

4. Claims 3, 10, 12, 14 and 16 are objected to because of the following informalities: line 1 states “troubleshooting information” where “troubleshooting-related information” is consistent with the dependent claim terminology. Appropriate correction is required.

5. Claim 17 is objected to because of the following informalities: In line 5, the statement “providing correcting malfunctions” is confusing. Appropriate correction is required.

6. Claim 23 is objected to because of the following informalities: In line 1, “devices” is interpreted as being possessive, and it is recommended it be amended to “device’s”. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 23 and 24 recite the limitation "the device’s internal software" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 24 recites the limitation “additional data collection” in line 2, assuming data was collected in the first place. There is insufficient antecedent basis for this limitation in the claim.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Carpenter et al. (U.S. Patent No. 6,260,048).

As in claim 17, Carpenter et al. discloses coordinating troubleshooting of a remote machine, comprising the steps of:

a customer support enterprise receiving over a data network troubleshooting data from a remote malfunctioning machine, said troubleshooting data needed for analysis and providing correcting malfunctions of a machine within a support enterprise (*Fig. 1; column 4 lines 30-56, where vendor environment 100 is interpreted as a customer support enterprise and client environment 101 is interpreted as a remote malfunctioning machine*);

automatically processing the troubleshooting data by enterprise equipment at the customer support enterprise (*column 3 lines 57-63, where the troubleshooting data is interpreted as being on a trouble ticket*); and

the customer support enterprise proceeding with at least one of:

i) electronically interacting with a customer using the troubleshooting data provided by the remote malfunctioning machine as a basis for the customer interaction, and providing the customer with corrective action based on troubleshooting data provided by the remote malfunctioning machine and the customer interaction (*column 1 lines 33-50 and column 3 line 51 through column 4 line 22*);

ii) providing corrective action over the data network directly to the remote malfunctioning machine after automatic analysis of the troubleshooting data (*column 4 lines 53-56*); and

iii) escalating customer support to advanced support and providing advanced support utilizing at least one of the troubleshooting data, the analysis of the troubleshooting data, and customer interaction (*column 3 lines 56-63*).

As in claim 18, Carpenter et al. discloses the troubleshooting information is formatted in an object description interface prior to it being provided over the data network to the remote support enterprise (*column 4 lines 47-52, where the trouble ticket is interpreted as being formatted in an object description language*).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2114

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-9, 11, 13, 15, and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sese et al. (U.S. PGPub 2005/0097405) in view of Carpenter et al.

As in claim 1, Sese et al. teaches coordinating troubleshooting information associated with a machine, comprising the steps of:

maintaining troubleshooting-related information associated with functions of the machine within a system associated with the machine (*paragraph [0036]*); and

providing troubleshooting-related information over a data network to a remote support enterprise for fault analysis and utilization during customer interaction (*paragraph [0039]*).

However, Sese et al. fails to teach of a database. Carpenter et al. teaches of a database with trouble-shooting related information (*Fig. 1 #23; column 4 lines 30-56*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included the database as taught by Carpenter et al. in the invention of Sese et al. This would have been obvious because the invention of Carpenter et al. can be used for coordinating troubleshooting information in a printer environment (*column 2 lines 58-63 and column 5 lines 40-50*) such as that taught by Sese et al.

As in claims 2, 9, 11, 13, and 15, Sese et al. teaches the troubleshooting-related information includes at least one of: machine identity, machine location, error codes, machine usage history and customer identification (*paragraph [0036]*).

As in claim 3, Sese et al. teaches the troubleshooting information is formatted in an object description interface prior to it being provided over the data network to the remote support enterprise (*paragraph [0038]*).

As in claim 4, Sese et al. teaches the troubleshooting-related information is received by a remote support enterprise over the data network (*paragraph [0039], support computing device 106*); and

the troubleshooting-related information is automatically processed by the remote support enterprise (*paragraphs [0039] and [0047]*).

As in claim 5, Sese et al. and Carpenter et al. teach the troubleshooting-related information is received by a remote support enterprise over the data network (*paragraph [0039], support computing device 106*);

the troubleshooting-related information is automatically processed by the remote support enterprise (*paragraphs [0039] and [0047]*);

communication is provided by the remote support enterprise with a customer associated with the machine (*paragraphs [0040] and [0047]*); and

corrective data is developed by the remote support enterprise (*Sese et al.: paragraph [0047], where action to remedy the problem is interpreted as "corrective data"; Carpenter et al.: column 4 lines 53-56, where the update is interpreted as corrective data*).



As in claims 6-8, Carpenter et al. teaches corrective data is received by the machine from the remote support enterprise over the data network (*column 4 lines 53-56, where the update is interpreted as "corrective data"*);

the corrective data is automatically processed by the machine (*column 4 lines 53-56*); and

the database of troubleshooting-related information associated with ongoing functions of the machine is maintained (*column 4 lines 53-56*).

As in claim 19, Sesek et al. teaches of a machine (*Fig. 2*) comprising:

a microprocessor (*Fig. 2; paragraph [0022]*);

data communications equipment (*Fig. 2; paragraph [0022]*);

an analysis module (*Fig. 2; paragraph [0022]*);

a system adapted to develop a document containing data useful for remote troubleshooting of the machine (*Fig. 2; paragraphs [0027] and [0038]*);

a user interface (*Fig. 2; paragraph [0025]*); and

wherein a document is developed with input and assistance of the previously identified elements that are organic to the machine, the document formatted for transmission over the data network using the communication equipment (*paragraphs [0038] and [0039]*).

However, Sesek et al. fails to teach of a database. Carpenter et al. teaches of a database with trouble-shooting related information (*Fig. 1 #23; column 4 lines 30-56*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included the database as taught by Carpenter et al. in the invention of Sesek et al. This would have been obvious because the invention of Carpenter et al. can be used for

Art Unit: 2114

coordinating troubleshooting information in a printer environment (*column 2 lines 58-63 and column 5 lines 40-50*) such as that taught by Sese et al.

As in claims 20-22, Sese et al. teaches of a photocopier, a printer, and other marking devices (*paragraph [0018]*).

As in claim 23, Carpenter et al. teaches the device['s internal software is adapted causing corrective measures to be automatically executed on the machine in response to data received from a remote enterprise (*column 4 lines 53-56*).

As in claim 24, Carpenter et al. teaches the device's internal software is adapted causing [[additional]] data collection to occur in response to data or software received from the remote enterprise (*column 4 lines 23-45, and column 5 lines 1-13 and lines 40-50*).

\* \* \*

10. Claims 10, 12, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sese et al. in view of Carpenter et al., further in view of Pfeiffer et al. (U.S. PGPub 2004/0078722).

As in claims 10, 12, 14, and 16, the combined invention of Sese et al. and Carpenter et al. teach of providing troubleshooting information over a data network to a remote support

Art Unit: 2114

enterprise. However, the combined invention of Sesek et al. and Carpenter et al. fails to teach of formatting the troubleshooting information in XML. Pfeiffer et al. teaches of formatting troubleshooting information in XML before sending to a support enterprise (*Abstract, paragraph [0007]*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included the XML formatting as taught by Pfeiffer et al. in the combined invention of Sesek et al. and Carpenter et al. This would have been obvious because XML allows for a more comprehensive means of troubleshooting in a computer system (*paragraphs [0005]-[0006] and [0016]*).

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 6,885,469 Tanimoto discloses image system error reporting.

U.S. Patent No. 6,516,427 Keyes et al. discloses remote diagnostics.

U.S. Patent No. 6,718,489 Lee et al. discloses a fault management system.

U.S. PGPub 2003/0037293 Owhadi discloses remote diagnostics.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Contino whose telephone number is (571) 272-3657. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

Art Unit: 2114

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PFC  
8/29/2006



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